

CLERK OF COURT

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3. KBA is without knowledge or information to form a belief about the truth of paragraph 3 of the Amended Petition and therefore denies same.

4. KBA denies that paragraph 4 of the Amended Petition correctly identifies KBA as a party.

5. KBA is without sufficient information upon which to base a belief in the veracity of the allegations of contained in the unnumbered paragraphs of Section IV of the Amended Petition and therefore denies same.

6. KBA denies the allegations of paragraph 1 in the Causes of Action of the Amended Petition.

7. KBA denies the allegations of paragraph 2 in the Causes of Action of the Amended Petition.

8. KBA denies the allegations of paragraph 3 in the Causes of Action of the Amended Petition.

9. KBA denies that Plaintiffs are entitled to any of the relief requested in the unnumbered Prayer at the conclusion of the Amended Petition.

II. AFFIRMATIVE DEFENSES

And now, setting forth its defenses affirmatively, KBA states:

FIRST DEFENSE

Plaintiff Abby Thomas lacks standing to pursue any claims against KBA.

SECOND DEFENSE

Plaintiffs' claims under the Truth in Lending Act, the Real Estate Settlement Practices Act and for civil conspiracy are barred by their respective statutes of limitation.

THIRD DEFENSE

Plaintiff Harry Thomas's claims are barred by the contractual defense of waiver.

FOURTH DEFENSE

Plaintiffs' claims for fraudulent inducement and civil conspiracy are barred by the economic loss doctrine.

FIFTH DEFENSE

Plaintiffs' claims for breach of contract and fraudulent inducement are barred by the statute of frauds.

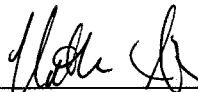
SIXTH DEFENSE

Plaintiffs are not entitled to recover attorneys' fees.

KBA reserves the right to add additional affirmative defenses as they become known through further investigation and/or discovery.

WHEREFORE, KBA respectfully requests judgment of the Court that Plaintiffs take nothing by their suit and such further relief, both at law and in equity, to which it may be justly entitled.

Respectfully submitted,

By:  _____

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***ATTORNEYS FOR KBA MORTGAGE,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties by and through their counsel of record on this the 12th day of May 2011.

**VIA FACSIMILE (817) 926-5165 AND
VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**

N. Sue Allen
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